



PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

29

Application Number	10/618,009
Filing Date	07/11/2003
First Named Inventor	Andersen, Barry
Art Unit	3618
Examiner Name	Shriver, James Allen II
Attorney Docket Number	06975_00/2001

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Check No. <u>53533</u> Return Receipt Postcard		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Chambliss, Bahner & Stophel, P.C.		
Signature	<u>Paul S. Weidlich</u>		
Printed name	Paul S. Weidlich		
Date	09/24/2004	Reg. No.	43,980

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Typed or printed name	Paul S. Weidlich	Date	09/24/2004

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FF08

PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** 55.00

Complete if Known

Application Number	10/618,009
Filing Date	07/11/2003
First Named Inventor	Andersen, Barry
Examiner Name	Shriver, James Allen II
Art Unit	3618
Attorney Docket No.	06975_00/2001

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

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Deposit Account Name

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 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	55.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$) 55.00

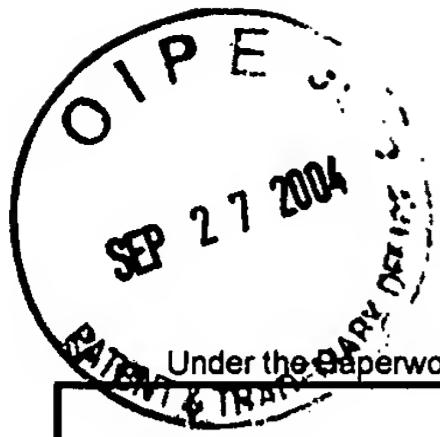
SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Paul S. Weidlich	Registration No. (Attorney/Agent)	43,980	Telephone 423-756-3000
Signature		Date	09/24/2004	

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PTO/SB/92 (09-04)

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Paul S. Weidlich

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43,980

423-756-3000

Registration Number, if applicable

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Amendment/Response to Office Action

Check No. 53533

Fee Transmittal

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Transmittal Form

Petition for Extension of Time Under 37 C.F.R. 1.136(a)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of Barry Andersen)
For: Mud Flap)
Serial No.: 10/186,009)
Filed: July 11, 2003)
Examiner: James Allen Shriver, II
Art Unit: 3618

AMENDMENT/RESPONSE TO OFFICE ACTION

September 24, 2004

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed on May 24, 2004 (the "Office Action"). Claims 1-20 are pending in the application. Claims 1-6, 8-14 and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,273,318 of Nakayama et al. ("Nakayama '318"). Claims 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama '318 in view of U.S. Patent No. 5,366,247 of Fischer ("Fischer '247"). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama '318 in view of U.S. Patent No. 5,145,617 of Hermanson et al. ("Hermanson '617").

In addition, the drawings have been objected to based upon informalities.

On September 15, 2004, Examiner James Allen Shriver, II and counsel for Applicant conducted a telephone interview, the substance of which is summarized in Applicant's "Written Statement

Regarding Telephone Interview Pursuant To 37 C.F.R. § 1.133(b)" which was filed on September 21, 2004. As described more fully below, the amendments discussed during the telephone interview and agreed to by Examiner Shriver have been incorporated into this Amendment/Response to Office Action.

More particularly, Applicant has now amended the claims of his application to address the rejections cited in the Office Action. Indeed, Applicant has amended claim 1, and by dependency therefrom claims 2-18, and claim 19, and by dependency therefrom claim 20, as described in more detail below. In addition, Applicant has canceled claim 4. Applicant has also addressed the objections to Figure 5 based upon the informalities cited in the Office Action. Finally, Applicant offers the following remarks to address the rejections of his claims and the objections to his drawings. Applicant respectfully requests reconsideration of the application in view of such remarks and amendments.

Because no claims are being added beyond the number for which a fee was previously paid, the filing of this Amendment/Response to Office Action does not require the payment of an additional filing fee. Applicant submits herewith a Petition for Extension of Time in which to Respond to Office Action and a check in the amount of \$55.00 to cover the fee for a one-month extension.